

**BROWNFIELDS STUDY GROUP
MEETING
December 1, 2005**

I. Attendees

Erika Biemann, Giles Engineering	Stacy McAnulty, RMT Inc.
Lori Bowman, DATCP	Pat McCutcheon, DNR
Scott Brockway, UEC, Inc.	Jessica Milz, DNR
Margaret Brunette, DNR	Dave Misky, City of Milwaukee
Kevin Bugel, Giles Engineering	Tom Mueller, TEMCO
D.J. Burns, Drake Environmental	Lance Potter, DNR
Michelle Chalice, DNR	Michael Prager, DNR
Gloria Chojnacki, SEH Inc.	Al Rabin, Dept. of Commerce
Frank Dombrowski, We Energies	Jason Rothenberg, DOA
Laurie Egge, DNR	Andrew Savagian, DNR
Darsi Foss, DNR	Jim Schmidt, DNR
Nancy Frank, UW-Milwaukee	Eric Scott, Dept. of Commerce
Mark Giesfeldt, DNR	Jason Scott, Dept. of Commerce
Mark Gordon, DNR	Justin Shell, DNR
Stuart Gross, Northern Environmental	Joy Stieglitz, Vandewalle & Assoc.
Jon Hammerberg, URS Corp.	Bob Strous, DNR
Art Harrington, Godfrey & Kahn	Mark Thimke, Foley & Lardner
Sandy Herfel, Dept. of Commerce	Cyndi Thomas, DNR
Steve Hiniker, 1000 Friends of WI	Chuck Warzecha, Dept. of Health & Fam. Serv.
Bob Karnauskas, Natural Resource Tech.	Scott Wilson, Ayres Associates
Bruce Keyes, Foley & Lardner	Roy Wittenburg, Natural Resource Tech.
Dan Kolberg, DNR	
Ken Konicek, Konicek Env.	
Dennis Lawton, STS Consultants	
Ed Lynch, DNR	

II. Welcome, Introductions, Agenda Repair

III. 30th St. Industrial Corridor & Governor's Urban Initiative – Discussion

Darsi Foss: Provided background on the 30th St. Industrial Corridor project and the Governor's Urban Initiative; first step in Initiative is the 30th St. corridor; DNR received \$400,000 from EPA to do brownfield assessment work; the neighborhood is 97% minority, 37% under the age of 18, home ownership ranges from 15-25%, and 34% live below the poverty level

Foss: We'd like to take another look at this area; our project will look at the brownfield sites and start them on the path to cleanup and redevelopment, and hopefully they'll become a catalyst for reinvestment of the corridor

Foss: The city also has some ideas related to the tax delinquent properties in the corridor, and this will also help give us an idea of where we'd like to focus our efforts

Dave Misky: We're working closely with DNR and the Industrial Corridor Coalition (ICC); ICC is establishing a Business Improvement District (BID) to get resources, and is also in close contact with area business owners; we're also trying to leverage the DNR's \$400,000 with the ICC money, and there are also funds available through Senator Herb Kohl's efforts at the federal level; obviously the governor and the mayor are making a push for this as well

Misky: Roughly there are about 30 tax delinquent sites in the corridor; in order to get access, we have to get an inspection warrant, which means going to court; this takes several months

Foss: The \$400,000 is Step 1, and we're looking at 20 sites to do Phase I's, and about 15 sites for Phase II; this is a little different than the Menomonee Valley, very diverse, with many different neighborhoods, aldermanic districts, etc.

Al Rabin: One way that the Study Group can get a head start looking at resources, is tomorrow (December 2) Commerce is hosting the Minority Business Developers Marketplace in Waukesha,

Dan Kolberg: Will other areas be identified and worked on?

Foss: That's the plan, but we need to focus on the pilot first

Misky: We have discussed applying for another EPA brownfield grant, but it's too early in the process before we say this is working to get EPA to give us more money

Steve Hiniker: Any other partners involved in the process?

Foss: Yes, with housing an issue, education being an issue, and of course health and safety being issues, we plan on working with the UW folks, DHFS, etc.

Scott Wilson: What steps are taking to address these properties?

Misky: Some properties we're just not going to get access to, but the \$400,000 should help with our Do Not Acquire List, and we'll look at those first

Rabin: Hopefully you and your partners will also be look to other resources, such as the Helen Bader Foundation

IV. Brownfields Legislative Update – Discussion, Action?

AB 657 – Condemnation Of Property

Darsi Foss provided some brief background on the Supreme Court decision and the question: does it affect brownfields? Seems like this is more related to residential or multi-family housing

Tom Mueller: I think it directly affects urban areas; there are often times where whole city blocks are cleared; if you're in this situation, the Kelo decision does affect brownfields; WHEDA has commented extensively on this bill and we may need to do so soon

AB 464 and SB 198 (companion legislation) – Definition of Brownfields

Foss: This originated with the city of Milwaukee; it is now at the governor's desk for signing

SB 356 – Environmental Claims Under General Liability Insurance Policies

Foss: This legislation was bounced around last session, and was introduced in October; it deals with the choice of law related to general liability insurance and environmental contamination; prior to the 1980s, there were general liability insurance policies that did not exclude environmental issues; the question this legislation is trying to answer is what state laws apply when a claim is filed? For example, if the policy came from Connecticut, do we follow CT laws or Wisconsin laws?

Mark Thimke: It's attempting to address the choice of law issue; under contract laws, whose state law applies? Also, each state has different rules for which state law applies; this bill says if you're in a Wisconsin court with a Wisconsin judge, then the judge would be forced to apply WI law; however, this bill is not universally supported by the business community

Bruce Keyes: It sounds like, for AB 464/128, that one may be too late to comment on since it's on the governor's desk; for the insurance one, my suspicion is that we have views, but some have even stronger views; with AB 657, we may have changes and/or issues we want to express

Foss: The alternative is interested Study Group members could have a small conference call about AB 657 and see if we could get someone to answer questions and get some clarifications about the bill's intent

Study Group members agreed and asked DNR to set up a conference call where someone knowledgeable could provide additional clarification on AB 657, with the possibility the Study Group might provide comments via letter in the future

Brownfield Bills (via Senator Carol Roessler)

Foss: Roessler will be introducing four brownfield bills once the 2006 Legislature is in session; she chose the four that she thinks are the priorities – 1) the ER TIF changes we proposed a few years ago and have been trying to get passed; 2) expanding the LGU exemption as it relates to solid waste historic fill sites; and 3) the same expansion of the LGU exemption as it relates to solid waste historic fill sites for the VPLE; and 4) having deed restrictions run with the land and making the GIS Registry the place to go for finding that information

Foss: Those are the ones we recommended; the last ones relate to land use controls; it would get rid of the deed restrictions in place of the Registry, so the closure letters might be longer, but will be pdf'ed and will be placed on the GIS registry

Dennis Lawton: Would the land use control apply to industrial use?

Foss: Yes, we're not adopting the uniform environmental covenants act; Wisconsin is doing its own thing while other states are adopting the UEC

Mark Giesfeldt: During the ASTWMO meeting, a lot of states viewed the UEC like we have, i.e. it's a good idea but we'll fix it on our own; be aware that the national association supporting the UEC is not content with states going their own way

Sam Tobias: Is this in addition to deeds or in place of them?

Foss: The deed restrictions will be gone but the closure letter will have more O&M requirements in it

Tobias: Wouldn't we want both?

Art Harrington: That's a good point, shouldn't we communicate with the title insurance companies so we know whether they'll weigh in or not? How does this affect title insurance? Are We creating an issue? I'd prefer to get input on the front end first

Foss: I met with Mark Thimke and Scott Manley from Wisconsin Manufactures & Commerce (WMC) and we went through all these he made some good suggestions

Darsi will lead the outreach effort with the title folks along with any interested Study Group members

Mueller: Why don't we do another letter in support [of the Roessler bills]?

Foss: You want to do it before or after the introduction?

Study Group agreed they want a support letter on the four bills: Darsi will talk to Roessler's staff about when best to send the support letter; to see background information on Study Group's legislative recommendations, please go to the following link:
http://www.dnr.state.wi.us/org/aw/rr/rbrownfields/bsg/legislative_tracking_chart_05.pdf

V. All Appropriate Inquiry (AAI) – How Does It Affect Wisconsin?

Foss: A couple of years ago Congress passed the brownfields bill; in it they made some clarifications to Superfund; in the old days, if you laid claim to a contaminated site, you could claim innocent landowner; however, the new law says if you do AAI via standards, you could buy that property and still held harmless under Superfund, i.e. I did everything I was suppose to do

Foss: Training is out there for folks on this; also for if you're next door to a property; this is important for folks who have EPA grants and loans, you have to follow the due diligence at the time you received the grant; however, after 11/1/06 you'll have to show you did AAI to get the money;

Study Group had a general discussion whether people in Wisconsin should be doing AAI assessments

Foss: I don't think this will affect DNR's review of Phase I and II's; we're not going to say that you need AII, we're still going to be saying you looked at all the sources (if you did) so you're ok; the RR Program will have a web page created soon that has all this information, as well as links to the EPA fact sheets; one difference between the old standard is that AAI requires info on purchase price be included

Foss: We understand this will probably affect ASTM standards and that they've already incorporated some of the AAI standards

Keyes: Where this might create an issue, is if there's something out there that we didn't know about; so if the state blesses the investigation based on a Phase I, something is found and you bought the property for a very low price, we could get an argument that there was a material omission; it just seems that there's an inherent risk for not doing some of the things in AAI

Foss: Remember, this only applies to non-petroleum sites

Prager: I think another point to note is, if you qualify for bona fide prospective purchaser liability protection, if you follow the state voluntary party process, you're out of Superfund; so if you're going for VPLE you're also out of Superfund

Thimke: Any contacts you've had from insurers on whether they want AAI?

Kenn Anderson: It's not a requirement, they're not contemplating it

Kolberg: Will AAI have any bearing when an LGU acquires the property involuntary?

Foss: We need to get that clarified from the EPA to make sure

DNR will clarify this questions with EPA; for more information about AAI, please see the following EPA web site: <http://www.epa.gov/brownfields/regneg.htm>

VI. Fiscal Program Health – Discussion

Streamlining and Fees

Mark Giesfeldt gave a brief summary of the RR Program's fiscal health; the program went through some major cuts along with some staff; in the last budget process there wasn't as much of a state impact, but the federal sides is catching up; the Program went from about ¾ state funding and ¼ federal funding, to about 50-50; there were cuts in Superfund, and a "flat line" of growth in the hazardous waste and tank programs

Giesfeldt: We're doing more quality assurance, i.e. streamlining; we looked at our program and started through efficiency reviews we realized we were doing a lot of non-fee related work; those days are over – we're emphasizing more charging of fees where we need to be charging fees; finally, we're also working on sustaining the program's services; we want to continue to do the things that work

2007-2009 State Biennial Budget

To view the RR Program's information on the budget, please use the following web link: http://www.dnr.state.wi.us/org/aw/rr/financial/rr_state_budget.html

Giesfeldt: In preparation for the 2007-09 State Budget, we had a brainstorming session back in October with our management team, and we came up with three key themes: 1) funding stability for all aspects of our program; 2) landfill stewardship; we have a lot of old ones with problems as well as those with redevelopment issues, Superfund issues, etc.; at one time there were 1,100 licensed landfills in the state, so those are issues we need to deal with; we have tried in past, unsuccessfully, to establish a landfill program in the state; and 3) PECFA and the next steps

Giesfeldt: So, the schedule related to the budget; the DNR finishes up the internal recommendations in September, and the governor will introduce his budget in early '07; so if the Study Group wants to do anything as you've done in the past, you'll need to get subgroups together soon

Thimke: So is the program proposing something to deal with the landfill issue?

Giesfeldt: That's our intent, we still have to go through the internal process

Mueller: We may have waited too long last time in the budget process, so I think we ought to form that subgroup now and provide input into the DNR and Commerce processes; as part of that process, in the last budget we had a direct grant of money come out of the competitive grants, and those funds ought to be applied competitively vs. earmarks; we need to address that

Study Group agreed to form a big picture, financial subgroup to meet in early 2006, and bring back recommendations to the full Study Group

Federal Funding

Foss: Superfund is going down, it was down 15 percent last year, plus no one knows yet how Katrina relief will affect other federal allocations

Giesfeldt: We have to meet the federal grant commitments; in the good years we could carry over some of our money, but in this mode if we carry over money, we lose it; we're fortunate in that we've been able to get some extra dollars from other places that haven't used it

Harrington: Are there any grants for operating the Study Group? Should we as a group apply for a grant?

State Funded Projects

Bob Strous provided a brief background about what state-funded response involves; it addresses orphan sites where the RP is unable, unknown or unwilling, sort of the safety net that swings under all the other programs; if there's a project that can't move forward, state-funded response can step in

Strous: This year we've got \$6-7 million out there for projects right now

Harrington: These are sites where somebody's made a determination that the RP is unknown; so we go and clean it up; does the state actually try to recover those funds?

Strous: Yes, on a case-by-case basis, we have to determine if they are the RP and we want them to do the cleanup, but if they don't we try and recover costs

Harrington: A couple of states with Natural Resources Damage issues have gone to the private sector, acting on behalf of the state, to recover dollars on a contingency issue; so has the state given thought to that as a way to generate more revenue? Or do we just go through the AG? I know this is a very controversial approach

Strous: We refer most of these cases to the attorney general if we can't get anywhere, we have not have subcontracted anywhere

Giesfeldt: We actually do have a summary of cost recovery

Strous: We've recovered 10-20% of our money

Harrington: New Jersey says we wouldn't normally go after these cases, so they treat it like a tort case, the fee goes to the private sector and the balance goes to the state; so they treat it like a revenue source

Keyes: The city of Milwaukee uses private parties to go after dead beat taxpayers
Giesfeldt: That's something we can consider

Study Group requested a copy of the cost recovery information sent out with the email of the meeting notes

For more information about state-funded response, please contact Bob Strous at 608-266-2699, or robert.strousjr@dnr.state.wi.us

PECFA

Mark Giesfeldt described the budget process and DNR's goal as it relates to PECFA; at some date in the future we'll need to have a plan in place for when PECFA will be phased out

Eric Scott: PECFA's been phasing out; there are cost controls in affect, and we're down to the last one-third or one-quarter eligible sites

Wilson: In about four months they'll be codyfing changes to the PECFA rules; some of these brownfield projects have as many as six or seven PECFA sites; because of how the bidding process works, PECFA may be hurting redevelopment efforts because of how long it takes for sites to come through the process; and some firms bid a bunch of sites, and then wait until they have enough in an area until they do the work (i.e. stockpiling), to make it more economical for them; however, it takes a long time for these to come through

Scott: The rules do address the number of consultants at a site; and you have the ability to bundle sites together; so I think the rule has more flexibility on these brownfield sites; I think we can work with you; though we have a strong mandate from the legislature regarding cost cap and cleanup; the rules do not require that the RP hire the winning bidder

Mueller: Similar to Scott, we have clients with a number of projects where PECFA eligible is a big part of this; timing is utmost importance, with some of these larger projects there's no way the locals will let the project sit; if there's a way to fund it differently to speed the project along

Scott: The bidding process is 55 days; the delays are in the scoping work to put out the bid

Harrington: One other issue that I'm concerned about is how does this more complex issue affect malpractice issues? If the process is not perfected and there are cost overruns, is there a liability? The more complex the PECFA issue becomes, if a collateral source is lost, does that create more risk?

Foss: Is there a way when the bid goes out you can put the redevelopment and timing issues in there? So then you can say "XYZ gets the contract in part because of the timing and redevelopment needs?" Is that an acceptable alternative?

Scott: We can put it in the bid document that the bidder is looking for a quick turnaround; so long as the accelerated time line is between the consultant and the owner

Wilson: Maybe there can be an MOA between the DNR and Commerce that would address what happens under a brownfields project with PECFA-related issues?

Keyes: How do we give developers the level of certainty that makes them happy; maybe sitting down and figuring this out, through a memorandum, so for certain situations you'd have something that's expedited

Keyes: I suggest we have a subgroup specific to this that addresses the following three issues: 1) the streamlining process related to brownfields, i.e. how do we reconcile brownfield needs with PECFA needs; 2) the types of new claims that are being made, are these the typical or not? and 3) the issue of reopened claims

Foss: So this is more related to implementation than code changes?

Study Group members agreed they did not want to re-open the PECFA rule process, but wanted to create a subgroup and work with Commerce and DNR to address the three issues Bruce outlined from an implementation standpoint

VII. Wisconsin's Brownfields Insurance Program (WBIP) – Update

Michael Prager went over the insurance program background, and distributed a handout discussing the most recent update to the WBIP, along with Kenn Anderson from Arthur J. Gallagher; the state has almost completed the contract with AIG, going over the finer points; the contract has been set up to allow the state to look at AIG and make sure they're promising to do what they say they'll do; the agreement will provide the state with a mechanism to monitor the process

Prager: We are prepared to launch the program very soon; so we'll have a coverage program that will take care of unknown issues that occur at a brownfield in Wisconsin; the insurance policy will provide coverage, including third party claims, for unknown contamination

Thimke: Just to clarify any additional coverages; is that a separately negotiated rider between the applicant and AIG or is the state involved

Anderson: The state is not involved at all except with the basic form

Thimke: Does the state get a copy of the audited financials? That's a bit sensitive, does the state have access to that info from a public disclosure standpoint?

Anderson: No

Keyes: In order to get insurance, you would need to have a Phase I and Phase II approved by DNR

Thimke: So are these under different tracks for review of Phase I and II's?

Foss: They would probably treat these as a VPLE site, i.e. what else is on this site?

Thimke: I have concerns about the DNR conducting Phase I and Phase II reviews without a rule; this has to be promulgated as a pathway that you normally go through

Keyes: I have a litigation issue in Illinois, with a simple closure vs. an all encompassing review, and there games being played about which review was done and does it meet the needs they want;

I don't know if there's a problem here, but we need to be careful with whether it's a BIP level review or not; let's be explicit

Harrington: I think this is a great product; when we initially talked about this idea, at that time you couldn't close the deal until you get the COC for the VPLE; now this product is available before you get the protection, that's great; this other issue is legitimate, and the question is do we want to hold up the whole process for it?

Thimke: No, I don't want to hold up the process, but if this is something that has a VPLE-like review but doesn't go to VPLE, then that's something different

Harrington: I view that more as a case-specific issue that comes up and you choose whether you want to take the insurance value off the shelf and use it; the reason it's beneficial is 1) it reduces transactions costs, and 2) there will be some advantages through pricing

Thimke: Is that the program's intent?

Prager: Yes, that's the intent, how Art described it, but we could be open to the universe of sites that aren't in the VPLE process

LUNCH

VIII. Changes To NR 720 – Informational

Mark Gordon provided some history – the RR Program and other agency staff have been working on changes to the rule; in February 2005, the program presented the changes to the RR Technical Focus Group, who provided feedback; some of their suggestions were incorporated into the changes, and the program is now looking for comments from folks in the Study Group as well; the summary covers the following areas:

- Table Values for 720
- Cleanup Standards For Lead
- Cleanup Standards For Arsenic
- Comparing Soil Cleanup Standards To Sampling Results
- Definition of Direct Contact
- Use of GRO/DRO Cleanup Values

Mueller: I think these are good changes; one thing we're seeing in our municipal projects is the need for a commercial or retail standard, and now the other thing we're running into is more mixed-use development, so we now have condos with commercial development, and maybe senior living; that is something we ought to address

Thimke: I endorse the spatial averaging with properties

Wilson: I also like all the changes – is there a time line for when you want this to happen?

Gordon: We wanted to get some agreement from the Technical Focus Group people and from Study Group people first; the next step is to prepare the various DNR documents to initiate rule

revisions; we'll start rule drafting early next year, then go to public hearings for comments; we're talking a year and a half probably before the changes become final

Thimke: If people have ideas, like on spatial averaging, do we get comments to you?

Mark: Yes

Kevin Bugel: With the removal of Table 1, what's going to constitute an action level?

Gordon: Table 1 just showed a handful of compounds, and the feedback we've gotten is that the values are just not very useful to them so they didn't feel there was a need to keep them in; it's not going away, it's just not in a table in the rule

Keyes: Can you expand on the definition of direct contact? Do you anticipate this trickling down to more rules, specifically to vapor intrusion, or will you just make sure the authority's already there? We're getting more and more sites where this is an issue

Gordon: It's already there; we feel like we already use it when we need to for vapor intrusion; I don't really see this as changing the way we do business

Giesfeldt: In respect to multiple land issues, if anyone has thoughts/ideas, we're open to suggestions

Anyone interested in providing comments on the changes to NR 720, please contact Mark Gordon at 608-266-7278, or mark.gordon@dnr.state.wi.us

IX. Vapor Intrusion – Update

Gordon: At the last Study Group meeting last year, members raised three issues they wanted the DNR and DHFS to address: 1) numbered criteria; 2) closure issues with an active venting systems in place, and 3) taking vapor intrusion samples during the investigation

Gordon: Last May we prepared an internal memo for staff on how we're proceeding, explained that we can close simply to limit exposure; we did outreach on this via RR listserv; as for numbered criteria, we referred them to EPA guidance, and we don't intend to issue any additional technical guidance because there is a lot already out there

Gordon: The third thing we're working on is an issue paper identifying situations where sites have vapor intrusion issues for sites that want closure; we hope to have the issue settled by early next year

Thimke: Are you working with Health and other agencies on this?

Chuck Warzecha: Yes, we're working together with DNR and Commerce on all of this

Keyes: Generic numbers have risk for the reasons you pointed out; EPA's guidance for target remediation levels are 1 in a million risk factor; that's if remediation is appropriate, but the target remediation level and the level at which remediation is warranted are different, and we should just be aware of that

Mueller: From a redevelopment standpoint, the question always is what are the costs to remediation; that's why I like the idea of simplification, obviously, it takes away a risk factor to protect the environment

X. DNR Brownfields Database Upgrades – Informational

Laurie Egge: We now finished improvements to both *BRRTS on the Web* (BOTW) and the GIS Registry of Closed Remediation Sites; for the advanced search features for BOTW you can now search by dates and by codes, and it also helps you look for grants; you can also use BOTW to search for wastes sites via the new "SHWIMS on the Web" – SHWIMS stands for the Solid and Hazardous Waste Information Management System

Egge: Our regional staff have also been working hard to geo-locate all LUST and ERP sites (ERP stands for Environmental Repair), and using GIS will get a similar display to what the GIS Registry now has; essentially that's been completed; this will link directly into BRRTS info; our goal is to get as many BOTW sites geo-located and displayed using GIS as we can

Mueller: What about links to Forward Wisconsin or BLISS?

Jason Scott: BLISS was never able to move forward, but there's been some discussion about taking up what we have and expanding it to include other sites in Commerce; we do use Forward a lot

Egge: We did talk awhile with Forward Wisconsin, but nothing ever happened

XI. State, Federal Updates

Commerce Brownfield Grants

Jason Scott: The Commerce brownfield grants programs have now re-organized: our division almost doubled in size, the Bureau of Housing went from DOA to Commerce, and is now in our division, and we've been re-named the Division of Housing and Community Development

Scott: We're now called the Bureau of Local Development (BOLD), and the federal and state brownfields money has now been put under an umbrella program called the Blight Elimination and Brownfields Redevelopment Program (BEBR)

Scott: There's still \$7 million for brownfields grants, plus about \$500,000 from the old BEBR money as well; also, the Community Development Block Grant (CDBG) money and other federal dollars go under neighborhood revitalization; folks will still fill out the same application, and the we'll be deciding whether the funding should come from the federal side or the state side

Scott: As an update, so far this fiscal year we've made six awards, one out of the federal funds, and so far have spent \$3 million of the total \$7 million available this year; we're falling a little short of what we anticipate for demand; also, we had a direct fund go to Madison per the Legislature's request

Scott: We're required to provide seven grants to communities under 30,000 in population, so far we only have one applicant that meets those requirements; last year we only had 10

Study Group members asked Commerce to provide a write up of the new Commerce re-organization to Andrew and he will send it out to the Study Group

EPA

Revolving Loan Fund

Jessica Milz: I'm working on the \$4 million Revolving Loan Fund (RLF); we hope to get the whole program up and running by March; and we're concentrating on making this streamlined and user-friendly for local governments that want to use this for a loan; all of this information will be on the web site; we've been working with EPA and DOA

Milz: For those who are unaware, there will be 60% of the money going for loans and 40% for grants; some for hazardous substance and some just for petroleum; we'll have a rolling application process, and it'll be a two-step process; first is eligibility, second is application; the loans will be no interest and there's a 23-year pay back; the grants are for up to \$200,000; for the grants, the LGU must own it, but you don't have to for the loan

Keyes: Is the general obligation loan written in stone?

Foss: In the state of Wisconsin, you can only incur debt in three ways: 1) general obligation; 2) special assessment, or 3) a third way is to make a special law; the reason we have to do it that way is if someone defaulted on the loan and it wasn't one of these three ways, you couldn't get the money back; but having said that, yes you can pledge and sign a promissory note, where you don't have to incur the bonding authority

Lawton: When do you need to spend [the \$4 million RLF]?

Foss: Have to spend in five years, and we have four years left; we can also get supplemental monies

Study Group members interested in the RLF should contact Jessica Milz at 608-267-6743 or jessica.milz@dnr.state.wi.us

EPA's One Cleanup Program

Gordon: For those who aren't familiar with this, the One Cleanup Program agreement says where we agree with EPA on a site cleanup, we can use NR 700 standards and EPA does not anticipate coming back to us for further action at the site; right now we just have one hang-up left in the agreement, and we're working with EPA's region 5 RCRA people and the D.C. headquarters, but we're close to finishing the agreement

For more information about the One Cleanup Plan, contact Percy Mather at 608-266-9263, or percy.mather@dnr.state.wi.us

DNR Brownfields SAG, Greenspace Grants

Prager: For Round 7, we received 69 applications, \$2.5 million from 36 communities; some of that is from communities who applied for both large and small grants; we are reviewing applications now; we think we'll have significantly fewer ineligible grants than what we had in round 6; for the next round, Round 8, we'll follow the same basic schedule – people will apply by October of 2006, and we'll give out awards Jan.-Feb. of 2007; also we've awarded a total of 257 grants so far and there are still many open, and we're working hard on the reimbursements to finish these up

Wilson: It was my understanding that muni's have limits to how many applications they can submit?

MP: The only limit is an applicant can only receive 15 percent of the funding

Mueller: The Study Group needs to take a look at two potential changes to the SAG grants: 1) grant relocation costs should have the same status as site acquisition costs for reimbursement; and 2) similar to Commerce grants, allow for eligible costs incurred after the application is submitted

Any Study Group members interested in talking about SAG changes should contact Michael Prager at 608-261-4927, or michael.prager@dnr.state.wi.us; to view the Round 7 SAG applications, please see the following link:

<http://www.dnr.state.wi.us/org/aw/rr/rbrownfields/sag-rounds.htm#r7>

Prager: For Greenspace, we gave out \$1 million two years ago, and we again have \$1 million to give this next round; applications will be available in April and due in July, and we'll give out awards in the fall; grants are for up to \$200,000 so we don't expect a lot of grants coming in; we'll also be revising some of the application materials, but there shouldn't be any major changes; if you have any ideas, please talk to us in advance, and of course the schedules for both SAG and Greenspace will be up on the Internet

XII. Other Updates

National Brownfields Association (NBA)

Mueller: We've had several meetings; the first was in West Allis in May, and we also had one in Kenosha that included water issues and a tour of brownfield sites in Kenosha and Racine; we have a conference call with the Executive Committee on December 6th; there's also a great deal that the national group is doing, including a training for developers in early 2006

Roy Wittenburg: We're still looking for speakers and location yet for this course, so if interested please contact myself or Scott Wilson

Aviall

Mark Giesfeldt and Mark Thimke provide a brief update on Aviall

Thimke: Group needs to decide if they want to pursue an alternative to the existing umpire law, i.e. legislation as a new way of suing under Wisconsin law; if people are interested, we'll continue to follow up and put a group together; if not, we'll go through the Superfund alternatives that we've outlined here

Mueller: Does that mean you have to use the NCP?

Giesfeldt: YES

If anyone is interested in joining this group, please contact Mark Giesfeldt at 608-267-7562, or mark.giesfeldt@dnr.state.wi.us

Adjourn